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September 16, 2008

BY ECF AND HAND DELIVERY

The Honorable Richard M. Berman
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: **U.S. v. Aafia Siddiqui**
08 Cr. 826

Dear Judge Berman:

As per this Court's direction, I am writing this letter to apprise the Court of Ms. Siddiqui's current condition and the urgent need to treat her in a hospital setting. Since September 4, 2008, we have been researching the nature of Ms. Siddiqui's illness¹ and treatment options in the New York City area. After speaking with a number of psychiatric professionals, unit managers, and hospital administrators, we believe that the Forensic Unit at Elmhurst Hospital administered by the New York City Department of Corrections fulfills all the criteria for Ms. Siddiqui's treatment in a custodial setting.

In our September 2, 2008 letter to the Court, we suggested Bellevue Hospital as an alternative. After submitting that letter, we learned that the Bellevue Forensic Unit, also run by the Department of Corrections, is restricted to male detainees. Dr. Ken Hogue, the

¹ Our ability to perform that research - including our ability independently to consult with experts - was hampered by the inadequate nature of the records the Bureau of Prisons provided to us. The records which were not provided to us include but are not limited to the logs kept on Ms. Siddiqui, any and all tapes, videotapes and/or transcripts pertaining to Ms. Siddiqui including but not limited to tapes and transcripts of recorded telephone conversations, any and all videotapes and/or transcripts of any interventions and/or confrontations with Ms. Siddiqui.

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director of the Bellevue Forensic Unit, recommended Elmhurst Hospital and put us in touch with the administrators of that program.

Elmhurst Hospital houses New York City's only Female Forensic Unit, which is maintained by the Department of Corrections. The unit typically houses female pre-trial detainees who are facing state court charges and caters to a sicker population - detainees who are non-compliant with medication, or not competent to stand trial. For the most part, the unit houses and treats detainees accused of violent crimes. There are fourteen beds in the unit. The unit is rarely full, and currently has six open beds. Typically, two to three detainees are housed in a room with guards in every room.

The Forensic Unit is a psychiatric hospital unit under strict twenty-four hour guard by Department of Corrections officers. The unit is accustomed to facilitating legal and family visits. Legal visits are permitted from 8:00 AM to 8:00 PM, seven days a week. Family visits are permitted three days a week. Therefore, at Elmhurst, we would be able to build an attorney-client relationship with Ms. Siddiqui in a non-threatening hospital setting.

This arrangement would not be unprecedented. According to Dr. Hogue at Bellevue and Dr. Charles Baron, the Director of the Elmhurst Forensic Unit, both units have housed and treated federal pre-trial detainees in the past. Dr. Margaret Goni, the Unit Manager for the Elmhurst Forensic Unit, stated that she would have no problem housing and treating Dr. Siddiqui, provided we receive the approval of the New York City Department of Corrections.

We mentioned to Dr. Baron that Dr. Siddiqui would prefer to be treated by female mental health professionals, and would prefer to be treated by someone who shares her cultural and/or religious background. Dr. Baron stressed the cultural sensitivity of the hospital in general, and the Forensic Unit in particular. The hospital is located in a diverse community, and understands the need for culturally specific services. One of the unit psychiatrists, although male, is a Pakistani Muslim. He is part of an association of Pakistani treatment providers, and at one point tried to establish a Pakistani clinic at the hospital.

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The Forensic Unit also has links to specialists in Post Traumatic Stress Disorder and torture syndromes. Dr. Siddiqui would have access to these services, should a unit psychiatrist determine that they are necessary or appropriate. In addition, Forensic Unit detainees have full access to medical treatment at Elmhurst hospital, and Dr. Siddiqui can receive ongoing monitoring and treatment. The Forensic Unit at Elmhurst Hospital will thus provide a secure custodial environment where Dr. Siddiqui can receive psychological and medical care.

As this Court knows, at the time of her scheduled arraignment on September 4, 2008, Ms. Siddiqui had already been found to be suffering from psychosis by the Bureau of Prison psychiatrists. The records we have received from MDC document a severely disturbed and tormented woman, who is suffering from hallucinations and who needs immediate treatment in a psychiatric hospital. We are providing the Court with these records and ask that they be filed under seal. The government, to whom we provided a copy, has consented to this request.

I spoke to Ms. Siddiqui today for the first time since August 11, 2008. Before this call, Ms. Kunstler was informed by Adam Johnson that Ms. Siddiqui was no longer accepting legal mail. However, when she learned that my letter and materials concerned the release of her son to her family in Pakistan, she opened it up, saw the pictures of the reunion, and asked to speak to me. My fifteen minute telephone call more than reinforced the urgency of the situation and the need to help this woman. Her torment and pain resonate through the phone and she is plagued by visions (hallucinations) of her two younger children who appear in her cell. She needs help. Given the possibility of what has happened to her since 2003 and the documented psychiatric illness she is suffering from, the Constitution and human rights support her immediate transfer to a psychiatric hospital where she can be treated and visited by family and counsel.

I am now constantly consulting psychiatrists about what course to follow. Based on these conversations, I would ask this Court for an Order requiring the Bureau of Prisons to provide me with any and all logs kept on Ms. Siddiqui, any and all tapes, videotapes and/or transcripts pertaining to Ms. Siddiqui including but not limited to

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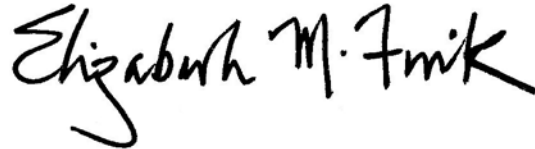
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tapes and transcripts of recorded telephone conversations, all videotapes and/or transcripts of any interventions and/or confrontations with Ms. Siddiqui, and any other materials pertaining to Ms. Siddiqui's mental and physical illnesses.

Thank you for your kind consideration in this matter.

Respectfully yours,

A handwritten signature in black ink that reads "Elizabeth M. Fink". The signature is written in a cursive, flowing style with a large, stylized 'E' and a long, sweeping underline.

Elizabeth M. Fink
Attorney for Aafia Siddiqui

CC: AUSA DAVID RASKIN, BY ECF AND FAX